

# TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD



**Project Name:** MILLER MEADOW II SHORT PLAT

**Case Number:** PLD2009-00040

**Location:** 9509 NE 53<sup>rd</sup> Avenue

**Request:** Short plat approximately .3 acres into two single-family lots in the R1-6 zoning district

**Applicant:** Joel Stirling  
Sterling Design, Inc.  
2208 E. Evergreen  
Vancouver, WA 98661  
**Phone –** (360) 759-1794, **Fax –** (360) 759-4983  
**E-mail –** [joel@sterling-design.biz](mailto:joel@sterling-design.biz)

**Owner:** Shull Real Estate Services Inc.  
601 E. McLoughlin Blvd.  
Vancouver, WA 98663

## **DECISION**

**Approval** with conditions

**Team Leader's Initials:** *MS* **Date Issued:** November 2, 2009

### **County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
<b>Planner:</b>	Richard Daviau	4895	<a href="mailto:richard.daviau@clark.wa.gov">richard.daviau@clark.wa.gov</a>
<b>Engineer:</b>	Brad Hazen	4346	<a href="mailto:brad.hazen@clark.wa.gov">brad.hazen@clark.wa.gov</a>
<b>Fire Marshal Office</b>	Tom Scott	3323	<a href="mailto:tom.scott@clark.wa.gov">tom.scott@clark.wa.gov</a>
<b>Team Leader:</b>	Michael Butts	4137	<a href="mailto:michael.butts@clark.wa.gov">michael.butts@clark.wa.gov</a>
<b>Eng. Supervisor:</b>	Sue Stepan, P.E.	4064	<a href="mailto:sue.stepan@clark.wa.gov">sue.stepan@clark.wa.gov</a>

**Comp Plan Designation:** Urban Low Density

**Zoning:** R1-6

**Legal Description:** Tax Lot 4/6 (105896) in the Northwest quarter of Section 6, Township 2 North, Range 2 East of the Willamette Meridian

**Applicable Laws:**

Clark County Code 15.12 (Fire Prevention); 40.220.010 (Single-family Districts); 40.350.020 (Concurrency); 40.350.030 (Roads); 40.370.010; (Sewer); 40.370.020 (Water); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.550.010 (Road Mod.); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws)

**Neighborhood Association/Contact:**

Andresen/St. Johns, **Contact** - Neil Chambers, 6204 NE 67th Street, Vancouver, WA 98661, **Phone** – (360) 699-5119, **E-mail** - [n.chambers@comcast.net](mailto:n.chambers@comcast.net)

**Time Limits:**

The application was submitted on June 30, 2009 and was determined to be fully complete on August 12, 2009. The project was placed on-hold until August 18, 2009 waiting for extra copies. Therefore, the County Code requirement for issuing a decision within 78 days lapses on November 3, 2009.

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference was held on September 18, 2008. The pre-application conference information was not sufficiently complete to qualify for contingent vesting. Therefore, the application is vested on the fully complete submittal date of July 29, 2009. The application vested for transportation concurrency on July 29, 2009.

**Public Notice:**

Notice of application was mailed to the applicant, neighborhood association, and property owners within 300 feet of the site on August 31, 2009.

**Public Comments:**

The County has not received written public comments on this proposal.

<b>Project Overview</b>
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The applicant proposes to divide the subject site (approximately 3 acres) into two single-family residential lots. The site is located approximately 130 feet north of the NE 53<sup>rd</sup> Avenue intersection with NE 95<sup>th</sup> Street. Both lots will access onto the joint driveway that connects to NE 53<sup>rd</sup> Avenue.

The following is a comprehensive plan, zoning and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-6	Single-family residential
North	UL	R1-6	Single-family residential
South	UL	R1-6	Single-family residential
East	UL	R1-6	Single-family residential
West	UL	R1-6	Single-family residential

## Staff Analysis

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

### LAND USE:

#### Finding 1 - Lot Standards

The applicant is proposing a two lot short plat within the R1-6 zoning district. Proposed lot 1 is 7,645 square feet and proposed lot 2 is 5,872 square feet with an average lot size of 6,758 square feet. The average minimum lot size in the R1-6 district is 6,000 square feet. Therefore, the plat meets lot size requirements.

Both lots in the plat comply with the lot dimensional requirements of the R1-6 zone.

#### Finding 2 - Setbacks

Although details of home construction on the proposed lots have not been provided or required, the following setbacks apply to the proposed plat.

- Twenty foot front setback, measured from the edge of the joint driveway easement (see Condition D-1)
- Five foot standard side and rear setback

The applicant should note that under CCC 40.200.070 (A)(1)(b), projections including bay windows, overhanging breakfast nooks, cornices, canopies, eaves, belt courses, sills or other similar architectural features and fireplaces may extend up to two (2) feet into the required setback. Compliance with the 20-foot setback requirement with acceptable projections shall be verified prior to building permit issuance.

### Finding 3 - Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Condition D-7a).

### Finding 4 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Connection of the proposed residences to public water and sewer, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

### **Conclusion (Land Use):**

Staff concludes that the proposed short plat complies with all land use requirements; therefore, the proposed short plat should be approved.

### **TRANSPORTATION CONCURRENCY:**

#### Finding 5

The applicant submitted a traffic profile for this proposal in accordance with CCC 40.350.020.B. Staff has determined that additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards. The intersections in the vicinity of the proposed development would be minimally impacted by the proposed development. Therefore, further analysis and mitigation by the applicant were not required. The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

### **TRANSPORTATION:**

#### Finding 6 - Roads

The access for lots 1 and 2 are via a 20 foot wide existing joint driveway that connects to NE 53<sup>rd</sup> Avenue which is a public roadway. This existing joint driveway meets Clark County standards therefore no conditions are needed for this finding.

### **Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

### **STORMWATER:**

#### Finding 7 - Stormwater Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.385 and the county's stormwater manual. Meeting the requirements of this chapter is the joint and severable responsibility of both the owner(s) of the site on which land-disturbing activity occurs and the person(s) undertaking such activity. In addition, if the land-disturbing activity involves a county-issued permit, the applicant is also responsible for meeting the requirements of this chapter. The total project area is 13,517 square feet. The following are the existing impervious conditions on the project site:

- Existing House Roof Area - 1600 square feet

- Existing Shared Driveway - 2952 square feet
  - Existing Driveway to Garage - 600 square feet
- Total - 5,152 square feet

The site has more than 35% of impervious surface; therefore, go to Figure 2.2 (Clark County Stormwater Manual) - the urban redevelopment flow chart.

The applicant's engineer states the new roof area will be no more than 1,600 square feet and the proposed parking pad in front of the garage will either be pervious pavers or pervious concrete. Therefore, the project creates less than 2000 square feet of new impervious surface and only Minimum Requirement #2 is required. (See Condition E-1)

### **Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the condition above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

### **FIRE PROTECTION:**

#### Finding 8 - Fire Marshall Review

Tom Scott (in the Fire Marshal's Office) reviewed this application and can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 5). Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-2)

#### Finding 9 - Fire Flow/Hydrants

Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site and is estimated at 1,500 gpm.

Fire hydrants are required for this application. The indicated existing fire hydrants are adequate.

#### Finding 10 - Fire Apparatus Access/Turnaround

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. A fire apparatus turnaround is required and as indicated is acceptable.

### **HEALTH DEPARTMENT:**

#### Finding 11

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to

determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition D-3)

#### **WATER & SEWER SERVICE:**

##### Finding 12

The applicant has submitted utility review from Clark Regional Wastewater District and the Clark Public Utilities and indicating that public sewer and water is available to the subject site. All lots in the plat must connect to approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (See Condition D-4)

#### **IMPACT FEES:**

##### Finding 13

Residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) per dwelling. The impact fees will only be required for Lot 1 due to the existing residence on Lot 2. The site is within the Battle Ground School District with a SIF of \$8,290.00, Park District 7 with a PIF of \$1,445.00 (acquisition) & 440.00 (Development), and the North Orchards Transportation Subarea with a TIF of \$5,539.60.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (See Condition D-5e & E-3)

## **DECISION**

Based upon the proposed plan and the findings and conclusions stated above, the Development Services Manager hereby **Approves** this request, subject to the following conditions of approval:

### **Conditions of Approval**

<b>A</b>	<b>Final Construction Review for Land Division Review &amp; Approval Authority: Development Engineering</b>
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Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

None

<b>B</b>	<b>Prior to Construction of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

None

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

None

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 The final plat shall identify the 20-foot front setback line, measured from the edge of the joint driveway easement (see Finding 2).
- D-2 The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Finding 10)
- D-3 **Health Department Review** - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.
- D-4 Both lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor.
- D-5 **Developer Covenant** – A "Developer Covenant to Clark County" shall be submitted for recording to include the following:
  - a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
  - b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

- c. **Impact Fees:** "In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for each dwelling in this short plat are: \$8,290.00 (Battle Ground School District), \$1,885.00 (\$1,445.00 - Acquisition; \$440.00 - Development for Park District #7), and \$5,539.60 (North Orchards TIF subarea) respectively. The impact fees will only be required for Lot 1 due to the existing residence on Lot 2. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-6 **Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-7 **Plat Notes** - The following notes shall be placed on the final plat:

- a. **Mobile Homes:** "In accordance with the provisions of CCC 40.260.130, mobile homes are not allowed on the lots in this plat."
- b. **Archaeological** (all plats): "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. **Utilities:** "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- d. **Driveways:** "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

<b>E</b>	<b>Building Permits</b> <b>Review &amp; Approval Authority: Customer Service</b>
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 **Stormwater** - Minimum requirement # 2 of the Stormwater Ordinance shall be completed. Excavation/grading shall be performed in compliance with CCC14.07.
- E-2 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- E-3 **Impact Fees** - The applicant shall pay impact fees for the proposed lots as follows (For only Lot 2):
- a. \$8,290.00 per dwelling for School Impact Fees (Battle Ground School Dist.)



- b. \$1,885.00 per dwelling for Park Impact Fees (\$1,445 - Acquisition; \$440.00 - Development for Park District #7);
- c. \$5,539.60 per dwelling for Traffic Impact Fees (North Orchards TIF Sub-area). If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

None

<b>G</b>	<b>Development Review Timelines</b> <b>Review &amp; Approval Authority: None Advisory to Applicant-</b>
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G-1 **Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 **Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

<p><b>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</b></p>
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**Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on November 2, 2009. Therefore any appeal must be received in this office by 12:00 PM, November 16, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

**Attachments:**

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA 98666-9810**

**Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

## Final Decision Attachment

**For Employee Use Only** -This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		<b>X</b>
-On-site landscape plan		
-Right-of-way landscape plan*		
Final Wetland Plan		<b>X</b>
Final Habitat Plan		<b>X</b>



